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Sovetskoye gosudarstvo i pravo, No 10, 1950.LOCAL ORGANS OF STATE POWER IN PEOPLE'S DEMOCRATIC BULGARIA

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## I

One of the most important victories of the Bulgarian people is the establishment of a new, people's-democratic state, a state socialist in type, form, and in the principles of the organization and functioning of its organs.

In this article are discussed the questions of the development, system, and principles of organization and activity of the local organs of state power in the People's Republic of Bulgaria, i.e., the people's soviets.

For the strengthening of the people's democratic order in 1946 - 1947 it was necessary to abolish the old form of local administration. The new tasks of directing socialist construction required the creation of a new socialist system of local state organs, socialist not only in content but also in form.

The basic principles of this system -- the system of people's soviets -- were established by the Constitution (adopted 4 December 1947), Section 5, and a number of articles in other sections.

On the basis of the Constitution, the obsolete system of local administration was abolished and an orderly, unified system of people's soviets was set up. For a rapid change-over of local administration and for setting up the new apparatus at the local level and for preparing for the elections to the people's soviets, Article 101 of the Constitution provided for the establishment of provisional upravy (boards), endowed with the powers of people's soviets.

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## II

It is necessary to consider the period of the activity of the provisional upravas (March 1948 - May 1949) separately because they carried out specific tasks connected with the basic reorganization of local administration, as well as regular duties of the people's soviets. Furthermore, the principle of organization of the temporary upravas and the extent of their powers gave them a special character, differentiating them from both the people's soviets and the upravas of people's soviets, envisaged by Articles 51 and 70 of the Constitution.

In March 1948, the Presidium of the Great People's Assembly appointed temporary upravas in all obshtinas (communities) and okoliyas (the Constitution had abolished oblasts). The structure and functions of the temporary upravas were elucidated in Instructions of the Council of Ministers on the organization of local upravas and services. (Otechestven Front, No 1084, 1948.)

The centralized method of formation of the local upravas by appointment from above (by the Presidium of the Great People's Assembly) differentiates them from people's soviets, which are elected organs. This is the reason, to a great extent, for the limited participation of the broad masses in the formation of the local upravas. This participation was limited to the nomination, by local organizations of the Fatherland Front, of responsible candidates to the upravas. It was characteristic of the legal status of the temporary upravas that they functioned within the limits of competence of corresponding people's soviets and upravas of people's soviets, thus uniting the functions of an organ of state and an executive-administrative organ.

Along with the doubtless achievements of the provisional upravas, which reorganized the direction of the various branches of administration and accumulated experience in state construction, there were also serious defects in their work. In the first place, some ministries and departments did not understand the essence of the new system and exhibited centralistic tendencies. These tendencies were reflected in the appointment, by ministries and departments, of local organs, independent of the upravas. These organs infringed on the rights of the latter. A serious weakness of the provisional upravas was their inability to adjust the activities of standing commissions which were inactive in some places and, in others, tried to take over the activities of the upravas. And, finally, the centralized method of forming the upravas weakened their authority as representative organs of state power and limited, to a great extent, the development of the creative initiative of the local population.

In evaluating the activities of provisional upravas, it should be pointed out that they solved the tasks before them: they destroyed the remains of the old local administration, they drove out the bureaucratic officials, and prepared the base for the election of people's soviets.

## III

After the elections of people's soviets in 1949, the provisional upravas were dissolved and the people's soviets took over their regular duties.

The people's soviets were made up of workers only. For instance, the Vratsa Okoliya people's soviet consisted of 3 workers, 17 poor and middle peasants, 31 employees, and 4 artisans. Such a social make-up of organs of state power is possible only in a socialist-type state. The people's counselors (deputies), elected to local state organs, are the real servants of the people and are their best representatives.

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In Monarchico-Fascist Bulgaria, because of numerous electoral censuses and the deprivation of the right to vote of whole sections of the population (women, servicemen, government officials, persons "without a definite occupation," i.e. unemployed, and others), local organs had no really representative character. After the coup d'etat of 1934, the majority of the members of obshtina councils were not elected at all but were appointed by the Minister of Internal Affairs from among Fascist and kulak elements.

The establishment of the system of people's soviets marks the conclusion of the building of a people's democratic state and the final formulation of people's democracy as one of the forms of the dictatorship of the proletariat.

The administrative-territorial division of Bulgaria after the changes adopted by the Third Special Session of the Great People's Assembly in September 1949 (the Third Special Session of the Great People's Assembly, 17 September 1949, by a law "For the Division of the Territory of the Republic Into Okrugs," vide. Durzhaven Vestnik, No 219, 1949, changed the administrative system set up by the Constitution, by establishing new territorial units -- okrugs. In the literature on this law, several reasons are cited for its adoption, such as the remoteness of okoliya people's soviets from the center, difficulties in directing such a large number (95) of okoliyas, and the impossibility of maintaining continuous control over the okoliya people's soviets by the central state organs) was as follows: (1) obshtinas -- rural, city, and composite, including some populated points; (2) okoliyas, uniting several obshtinas; (3) okrugs, uniting several okoliyas (14 okrugs were established); (4) large cities (Plovdiv, Stalin, Ruse, Burgas, Pleven, Stara-Zagora), which are divided into independent units equal to okoliyas (cities of okrug subordination); (5) rayons, formed in large cities; and (6) the capital, Sofia.

The structure of the system of local state organs is similar: obshtina and okoliya people's soviets, people's soviets of cities of okrug subordination, rayon people's soviets in large cities, okrug people's soviets, and the people's soviet of the capital. The people's soviets are representative organizations and the members are elected for terms of 3 years. The law on elections to people's soviets guarantees Bulgarian workers truly free and democratic elections on the basis of a general, equal, direct, and secret ballot for all citizens 18 years or older. Only those persons who have been deprived of political rights by a court and are under investigation are deprived of the right to vote.

Those persons who are known to have pro-Fascist tendencies but who have not been convicted of any crime possess only the active electoral right; legally they cannot be candidates to people's soviets. The Law on Elections to People's Soviets introduced two innovations compared with the old electoral laws: first, the rule enabling any ten literate voters the right to nominate their own candidate was abolished and, second, electoral commissions consisting of representatives of party, trade union, and other mass organizations, to direct and supervise the elections, were set up.

This eliminated the possibility of the penetration of representative state organs by bourgeois elements.

An okrug soviet is elected directly by the population of the given okrug and consists of 55-115 people's counselors. Its executive-administrative organ is the uprava, set up by the people's soviet from among its deputies, and consisting of a chairman, his two deputies, and 5-7 members. An okrug soviet is directly subordinate to the Presidium of the Great People's Assembly and directs the activities of all okoliya and obshtina soviets on its territory. It may revoke an illegal decision of a lower soviet and may

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## 2. Workers' Participation in Organization and Activities of People's Soviets

This principle is confirmed by the Constitution and other laws and arises from the class nature of the people's democratic state as a workers' state, led by the working class. Referring to the necessity of liquidating the remnants of capitalism in the field of state administration, G. M. Dimitrov said: "In order completely to overcome bureaucratism it is necessary to have the broadest possible participation of the masses in state administration and social control" (see *Otechestven Front*, No 1324, 1948, p 6). The realization of this principle in Bulgaria took a number of forms that first developed in the Soviet Union: (a) the population elects people's soviets directly, on the basis of direct, equal, general, and secret ballot, (Part III of Article 2 of the Constitution and corresponding articles of the Law on People's Soviets); (b) the workers' representatives in the soviets are the competent members thereof -- people's counselors; the right to nominate candidates to soviets belongs only to organizations of workers; (c) workers' representatives take part in the work of permanent mass organizations -- permanent commissions of people's soviets, commissions of public control under local committees of the Fatherland Front, etc.; (d) workers aid in the activities of people's soviets by participating in public organizations (trade unions, cooperatives, Union of People's Youth, etc.) and in mass movements for solving nationwide problems (the shock-brigade movement, socialist competition, labor cultural brigades, youth construction detachments, etc.); (e) people's soviets must report on their work to the voters once or twice a year; at these meetings the voters give instructions to the soviets; (f) people's counselors are also obliged to make reports to the voters, who, if they are not satisfied with the work of a counselor, may remove him and elect another.

## 3. Equality of Nationalities in Activities of People's Soviets

This principle proceeds from the fact that the people's democratic state, as the Soviet state, is international, in that it abolishes all national oppression and is supported by the cooperation of the laboring masses of the different nationalities. The class character of people's democracy is international and is incompatible with nationalism.

In Bulgaria no privileges based on race or national origin are recognized. All citizens, irrespective of national origin, are guaranteed the right to vote (Articles 2 and 71 of the Constitution). Representatives of peoples other than Bulgarians are found in the soviets. For example, in Dulovo Okoliya, where Turks make up 60 percent of the population, four of the ten obshtinas are headed by Turks.

## 4. Planning

This is the principle that unites the work of people's soviets. It is expressed in the Law on People's Soviets (Point b, Article 10), which provides that people's soviets should work out their economic plan and budget within the limits of the state economic plan and the state budget. The prime goal of planning in the work of a people's soviet is the maximum development of the productive forces of its obshtina, okoliya, or okrug, directed toward the limitation and liquidation of capitalistic elements, the socialist rebuilding of the handicrafts economy, and the construction of the bases of socialism.

For the direct supervision of planning and control in the carrying out of the state economic plan, there are planning organs in okrug, okoliya, and city people's soviets. These organs are subordinate to their soviet and to the higher planning organ (principle of dual subordination). (See "Statute on the State Planning Commission," *Durzhaven vestnik*, No 41, 1948.)

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## 5. Democratic Centralism

The peculiar characteristic of democratic centralism in Bulgaria is expressed by Article 70 of the Constitution, Article 19 of the Law on People's Soviets, and Point r of Article 4 of the Law on the Presidium of the Great People's Assembly. (See *Durzhaven vestnik*, No 41, 1948.) The essence of these laws is as follows: The Presidium of the Great People's Assembly has the right to dissolve any people's soviet and fix new elections. Higher people's soviets have the right to dissolve subordinate soviets and fix new elections. The law gives an exhaustive list of circumstances under which a higher soviet can exercise this right: the violation of the Constitution or other laws by the subordinate soviet; failure to carry out government regulations; the inability of the soviet to function with its present membership; injury to national interests by incorrect decisions or actions by the subordinate soviet.

The reason that gave rise to the right of dissolution is found in the concrete historical conditions during 1946 - 1947, when the Constitution was being rewritten. These years saw a sharp aggravation of the class struggle in Bulgaria. In 1946, during the elections to the Great People's Assembly, the reactionary opposition, by means of deceitful demagoguery and speculation on the instability of the external political situation and the internal economic difficulties, received a considerable number of votes. Moreover, the Constitution granted the petit-bourgeois elements of the population electoral rights to those of the proletariat. Under such circumstances it was to be expected that here and there elements hostile to the proletariat would penetrate the soviets and attempt to use them for antipopular ends. To avoid this possibility, the Communists, who had an absolute majority in the Great People's Assembly, obtained the inclusion in the Constitution of an article providing for the right of dissolution of soviets.

## 6. People's Democratic Law as a Form of Socialist Law (Article 5 of the Constitution, Article 8 of the Law on People's Soviets)

This principle consists of the strict observance of the Constitution, and of laws, edicts, decrees, and regulations of the government and higher people's soviets.

The people's democratic state has also established methods for maintaining law -- methods that it adopted from the practice of the construction of socialism in the USSR. These methods are: the control of higher soviets over the activities of subordinate soviets (Article 16-19 of the Law on People's Soviets), state control (Article 3 of the Statute on the State Control Commission; see *Durzhaven vestnik*, No 7, 1948), supervision by the office of the public prosecutor (Article 1 and Point a of Article 2 of the Law on the Office of the Public Prosecutor; see *Durzhaven vestnik*, No 7, 1948), public control and the legally guaranteed right of citizens to complain against illegal actions of administrative organs (Point g of Article 45 of the Law on People's Soviets).

The principles of organization and functioning of people's soviets, the division of organs of local state administration into organs of power (people's soviets) and executive-administrative organs (*upravas*), the relations between people's soviets and their organs, and even the types of legal acts (decisions, regulations, decrees, "*naredbas*" i.e., obligatory decrees), were all developed under the direct influence of the great Stalin Constitution.

While the soviets in the USSR are faced with the task of carrying out the great Stalinist plan for the gradual transition to Communism, the definite tasks that face the people's soviets in Bulgaria at the present stage of the development of people's democracy are the restriction of capitalistic elements in city and countryside and their subsequent liquidation, the building of the bases of a socialist economy, and the strengthening of the union of the working class with the laboring peasantry.

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There are certain differences between the organization and functioning of local organs of state power in Bulgaria and those in the USSR. They are primarily differences in form and are of no real significance. Thus, for example, there are differences in terminology: in the USSR there are soviets of workers' deputies, executive committees, sections of executive committees, and deputies; in Bulgaria there are people's soviets, upravas, sections, departments (otdeleniye), offices (sluzhba), and people's counselors. The numerical make-up of the different bodies differs in the two countries. The terms of office also differ: in the USSR 2 years; in Bulgaria 3 years.

People's soviets also differ from USSR soviets as follows: higher soviets have the right to dissolve lower soviets in certain instances; the existence of the institution of plenipotentiaries in the soviets of the constituent obshtina, appointed in each populated point of the obshtina to direct administrative affairs (issuance of various orders to the population in the name of the soviets, etc.); the obligation of the deputy to take an oath of allegiance to the people's republic on entering office.

The peculiarities of people's soviets are not definitive. The class essence of people's soviets and soviets in the USSR is the same -- the dictatorship of the proletariat. This determines their essential similarity in organization and functions; it confirms the common road to socialism of all truly free nations; it refutes the anti-Marxist false Trotskyite-Titoist "theories" concerning the so-called "special national paths" and shows the tremendous decisive significance of the experience of the USSR for all the people's democracies.

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